UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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BRITTANY GLASER, individually and on behalf of	:	Case No. 2:22-cv-02530-WFK-AYS
all others similarly situated,	:	
Plaintiff,	:	Judge William Francis Kuntz, II
-against-	:	
BATH & BODY WORKS, LLC,	:	
Defendant.	:	
	:	
	\mathbf{X}	

NOTICE OF DEFENDANT BATH & BODY WORKS, LLC'S MOTION TO DISMISS OR STAY PROCEEDINGS

PLEASE TAKE NOTICE that as soon as it may be heard, in the courtroom of the Honorable William Francis Kuntz, II, located at 225 Cadman Plaza East, Brooklyn, New York 11201, with oral argument to be held should the Court deem it necessary, Defendant Bath & Body Works, LLC ("BBW") will and hereby does move the Court for an order dismissing Plaintiff's Complaint under Rules 12(b)(6) and/or 12(b)(1) of the Federal Rules of Civil Procedure. Alternatively, BBW moves the Court to stay these proceedings pending the outcome of *Grant v*. *Global Aircraft Delivery Dispatch, Inc.*, App. Div. No. 21-03202 (2d Dep't), a case that addresses the open question of New York law at the heart of Plaintiff's Complaint.

BBW's Motion is based on this Notice of Motion; BBW's Memorandum in Support of the Motion; any arguments of counsel; and any other such materials properly considered by the Court at any hearing on this Motion.

Date of Service: August 16, 2022

Respectfully submitted,

/s/ Benjamin A. Shepler

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Attorneys for Defendant Bath & Body Works, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 16th day of August, 2022, a copy of the foregoing *Notice of Motion* was served via electronic mail on all counsel of record listed below:

Yitzchak Kopel Alec M. Leslie Bursor & Fisher, P.A. 888 Seventh Avenue New York, NY 10019

Attorneys for Plaintiff

/s/ Benjamin A. Shepler Benjamin A. Shepler Attorney for Defendant